

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Applicant: WALTER Magnus Wilhelm Group Art Unit: 1626
Serial No.: 10/524650 Examiner: Rebecca L. Anderson
Application Date: August 18, 2003 Conf No.: 8466
US Nat'l Entry
Date (if applicable): February 17, 2005
For: 2-(PHENOXYMETHYL)- AND 2- (PHENYLTHIOMETHYL)-
MORPHOLINE DERIVATIVES FOR USE AS SELECTIVE
NOREPINEPHRINE REUPTAKE INHIBITORS
Docket No.: X15172

REQUEST FOR CORRECTED FILING RECEIPT

Mail Stop Missing Parts
Commissioner for Patents
Customer Service Center
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request correction of the filing receipt for the subject application. A copy of the receipt with the corrections noted is enclosed.

The filing receipt at present erroneously omits a claim of foreign priority to GB 0219690.5 under 35 U.S.C. 365(b). A review of the record indicates that applicants have complied with the provisions of 37 C.F.R. § 1.55; thus a claim for priority to GB 0219690.5 is properly acknowledged. Foremost, claim for foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent is made in the Declaration located in the file wrapper for the instant application. [See Image File Wrapper, Mail Room Date February 17, 2002]. In addition, a certified copy of GB 0219690.5 is also included in the file wrapper. [See Image File Wrapper, Mail Room Date February 17, 2002]. Application GB 0219690.5 is also referenced on the PCT Request form in section VI-1 detailing priority claims. A copy of this form is included for the examiner's convenience. Transmittal of the priority document within the required time period is evidenced by the Notification Concerning Submission or Transmittal of Priority Document dated February 05, 2004, a copy of which is provided. Lastly, the propriety of the priority claim to GB 0219690.5 is evidenced in the

Serial No. 10/524,650

published application PCT/US2003/023269, wherein the Priority section references GB 0219690.5. [See Image File Wrapper, Mail Room Date February 17, 2002].

It is believed that no fee is due at this time. However, please charge Deposit Account No. 05-0840 for any fees that may be required.

In view of the statements above, Applicants respectfully request correction of the filing receipt of the subject application.

Respectfully submitted,

/Tonya L. Combs/

Tonya L. Combs
Attorney for Applicants
Registration No. 57,909
Phone: 317-651-1266

Eli Lilly and Company
Patent Division
P.O. Box 6288
Indianapolis, Indiana 46206-6288

December 20, 2007

Enclosures: Copy of Filing Receipt with the changes noted thereon.

Copy of PCT Request

Copy of Notification Concerning Submission or Transmittal of Priority
Document dated February 05, 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/524,650 ✓	02/17/2005 ✓	1614	900	X-15172		13	2

25885
 ELI LILLY & COMPANY
 PATENT DIVISION
 P.O. BOX 6288
 INDIANAPOLIS, IN 46206-6288

RECEIVED

JUN 22 2006

ELI LILLY AND COMPANY
 Patent Division

CONFIRMATION NO. 8466 ✓

CORRECTED FILING RECEIPT



OC000000019334074

Date Mailed: 06/19/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Magnus Wilhelm Walter, Basingstoke, UNITED KINGDOM; ✓
 Barry Peter Clark, Basingstoke, UNITED KINGDOM; ✓
 Peter Thaddeus Gallagher, Basingstokes, UNITED KINGDOM; ✓
 Helen Louise Haughton, Basingstoke, UNITED KINGDOM; ✓
 Helene Catherine Eugenie Rudyk, Basingstoke, UNITED KINGDOM; ✓

Power of Attorney: The patent practitioners associated with Customer Number 25885.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/23269 08/18/2003 ✓
 which claims benefit of 60/415,328 10/01/2002 ✓

→ Foreign Applications ← GB 0219690.5 8/23/2002
 If Required, Foreign Filing License Granted: 06/19/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/524,650**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

2-(Phenoxymethyl)-and 2-(phenylthiomethyl)-morpholine derivatives for use as selective norepinephrine reuptake inhibitors ✓

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PCT REQUEST

X-15172

Original (for SUBMISSION) - printed on 14.08.2003 11:17:26 AM

0	For receiving Office use only	
0-1	International Application No.	
0-2	International Filing Date	
0-3	Name of receiving Office and "PCT International Application"	
0-4	Form - PCT/RO/101 PCT Request	
0-4-1	Prepared using	PCT-EASY Version 2.92 (updated 01.07.2003)
0-5	Petition The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty	
0-6	Receiving Office (specified by the applicant)	United States Patent and Trademark Office (USPTO) (RO/US)
0-7	Applicant's or agent's file reference	X-15172
I	Title of Invention	MORPHOLINE DERIVATIVES
II	Applicant	
II-1	This person is:	applicant only
II-2	Applicant for	all designated States except US
II-4	Name	ELI LILLY AND COMPANY
II-5	Address:	Lilly Corporate Center Indianapolis, IN 46285 United States of America
II-6	State of nationality	US
II-7	State of residence	US
II-8	Telephone No.	317.433.9371
II-9	Facsimile No.	317.276.3861
III-1	Applicant and/or inventor	
III-1-1	This person is:	applicant and inventor
III-1-2	Applicant for	US only
III-1-4	Name (LAST, First)	WALTER, Magnus, Wilhelm
III-1-5	Address:	ELI LILLY AND COMPANY, LIMITED Kingsclere Road Basingstoke, Hampshire RG21 2XA United Kingdom
III-1-6	State of nationality	DE
III-1-7	State of residence	GB

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Original (for SUBMISSION) - printed on 14.08.2003 11:17:26 AM

III-2	Applicant and/or inventor	
III-2-1	This person is:	applicant and inventor
III-2-2	Applicant for	US only
III-2-4	Name (LAST, First)	CLARK, Barry, Peter
III-2-5	Address:	ELI LILLY AND COMPANY, LIMITED Kingsclere Road Basingstoke, Hampshire RG21 2XA United Kingdom
III-2-6	State of nationality	GB
III-2-7	State of residence	GB
III-3	Applicant and/or inventor	
III-3-1	This person is:	applicant and inventor
III-3-2	Applicant for	US only
III-3-4	Name (LAST, First)	GALLAGHER, Peter, Thaddeus
III-3-5	Address:	ELI LILLY AND COMPANY, LIMITED Kingsclere Road Basingstoke, Hampshire RG21 2XA United Kingdom
III-3-6	State of nationality	GB
III-3-7	State of residence	GB
III-4	Applicant and/or inventor	
III-4-1	This person is:	applicant and inventor
III-4-2	Applicant for	US only
III-4-4	Name (LAST, First)	HAUGHTON, Helen, Louise
III-4-5	Address:	ELI LILLY AND COMPANY, LIMITED Kingsclere Road Basingstoke, Hampshire RG21 2XA United Kingdom
III-4-6	State of nationality	GB
III-4-7	State of residence	GB
III-5	Applicant and/or inventor	
III-5-1	This person is:	applicant and inventor
III-5-2	Applicant for	US only
III-5-4	Name (LAST, First)	RUDYK, Hélène, Catherine, Eugénie
III-5-5	Address:	ELI LILLY AND COMPANY, LIMITED Kingsclere Road Basingstoke, Hampshire RG21 2XA United Kingdom
III-5-6	State of nationality	FR
III-5-7	State of residence	GB

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IV-1	Agent or common representative; or address for correspondence The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:	agent
IV-1-1	Name (LAST, First)	WELCH, Lawrence, T.
IV-1-2	Address:	ELI LILLY AND COMPANY P. O. Box 6288 Indianapolis, IN 46206-6288 United States of America
IV-1-3	Telephone No.	317.433.1651
IV-1-4	Facsimile No.	317.276.3861
IV-1-5	Agent's registration No.	29,487
IV-2	Additional agent(s)	additional agent(s) with same address as first named agent
IV-2-1	Name(s)	SALES, James, J. (33,773)
V	Designation of States	
V-1	Regional Patent (other kinds of protection or treatment, if any, are specified between parentheses after the designation(s) concerned)	AP: GH GM KE LS MW MZ SD SL SZ TZ UG ZM ZW and any other State which is a Contracting State of the Harare Protocol and of the PCT EA: AM AZ BY KG KZ MD RU TJ TM and any other State which is a Contracting State of the Eurasian Patent Convention and of the PCT EP: AT BE BG CH&LI CY CZ DE DK EE ES FI FR GB GR HU IE IT LU MC NL PT RO SE SI SK TR and any other State which is a Contracting State of the European Patent Convention and of the PCT OA: BF BJ CF CG CI CM GA GN GQ GW ML MR NE SN TD TG and any other State which is a member State of OAPI and a Contracting State of the PCT
V-2	National Patent (other kinds of protection or treatment, if any, are specified between parentheses after the designation(s) concerned)	AE AG AL AM AT (patent and utility model) AU AZ BA BB BG BR BY BZ CA CH&LI CN CO CR CU CZ (patent and utility model) DE (patent and utility model) DK (patent and utility model) DM DZ EC EE (patent and utility model) ES FI (patent and utility model) GB GD GE GH GM HR HU ID IL IN IS JP KE KG KP KR KZ LC LK LR LS LT LU LV MA MD MG MK MN MW MX MZ NI NO NZ OM PG PH PL PT RO RU SC SD SE SG SK (patent and utility model) SL SY TJ TM TN TR TT TZ UA UG US UZ VC VN YU ZA ZM ZW

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V-5	Precautionary Designation Statement In addition to the designations made under items V-1, V-2 and V-3, the applicant also makes under Rule 4.9(b) all designations which would be permitted under the PCT except any designation(s) of the State(s) indicated under item V-6 below. The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit.	
V-6	Exclusion(s) from precautionary designations	NONE
VI-1	Priority claim of earlier national application	
VI-1-1	Filing date	23 August 2002 (23.08.2002)
VI-1-2	Number	0219690.5
VI-1-3	Country	GB
VI-2	Priority claim of earlier national application	
VI-2-1	Filing date	01 October 2002 (01.10.2002)
VI-2-2	Number	60/415,328
VI-2-3	Country	US
VI-3	Priority document request The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) identified above as item(s):	VI-2
VII-1	International Searching Authority Chosen	European Patent Office (EPO) (ISA/EP)
VIII	Declarations	Number of declarations
VIII-1	Declaration as to the identity of the inventor	-
VIII-2	Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent	-
VIII-3	Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application	1
VIII-4	Declaration of inventorship (only for the purposes of the designation of the United States of America)	-
VIII-5	Declaration as to non-prejudicial disclosures or exceptions to lack of novelty	-

VIII-3-1	Declaration: Entitlement to claim priority Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)): Name:	in relation to this international application ELI LILLY AND COMPANY is entitled to claim priority of earlier application No. 60/415,328 by virtue of the following:
VIII-3-1 (iv)		an assignment from WALTER, Magnus, Wilhelm to ELI LILLY AND COMPANY, dated 23 August 2002 (23.08.2002)
VIII-3-1 (ix)	This declaration is made for the purposes of:	AP: (GH GM KE LS MW MZ SD SL SZ TZ UG ZM ZW); EA: (AM AZ BY KG KZ MD RU TJ TM); EP: (AT BE BG CH&LI CY CZ DE DK EE ES FI FR GB GR HU IE IT LU MC NL PT RO SE SI SK TR); OA: (BF BJ CF CG CI CM GA GN GQ GW ML MR NE SN TD TG); AE AG AL AM AT AU AZ BA BB BG BR BY BZ CA CH&LI CN CO CR CU CZ DE DK DM DZ EC EE ES FI GB GD GE GH GM HR HU ID IL IN IS JP KE KG KP KR KZ LC LK LR LS LT LU LV MA MD MG MK MN MW MX MZ NI NO NZ OM PG PH PL PT RO RU SC SD SE SG SK SL SY TJ TM TN TR TT TZ UA UG UZ VC VN YU ZA ZM ZW

PCT REQUEST

X-15172

Original (for SUBMISSION) - printed on 14.08.2003 11:17:26 AM

IX	Check list	number of sheets	electronic file(s) attached
IX-1	Request (including declaration sheets)	7	-
IX-2	Description	73	-
IX-3	Claims	6	-
IX-4	Abstract	1	EZABST00.TXT
IX-5	Drawings	0	-
IX-7	TOTAL	87	
	Accompanying items	paper document(s) attached	electronic file(s) attached
IX-8	Fee calculation sheet	✓	-
IX-11	Copy of general power of attorney	✓	-
IX-13	Priority document(s)	Item(s) VI-1	-
IX-17	PCT-EASY diskette	-	Diskette
IX-18	Other (specified):	Return Receipt Postcard	-
IX-18	Other (specified):	Delegation of Authority	-
IX-18	Other (specified):	PCT International Application Cover Letter	-
IX-19	Figure of the drawings which should accompany the abstract		
IX-20	Language of filing of the international application	English	
X-1	Signature of applicant, agent or common representative		
X-1-1	Name	ELI LILLY AND COMPANY	
X-1-2	Name of signatory	Lawrence T. Welch	
X-1-3	Capacity	Attorney	

FOR RECEIVING OFFICE USE ONLY

10-1	Date of actual receipt of the purported international application	
10-2	Drawings:	
10-2-1	Received	
10-2-2	Not received	
10-3	Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application	
10-4	Date of timely receipt of the required corrections under PCT Article 11(2)	
10-5	International Searching Authority	ISA/EP
10-6	Transmittal of search copy delayed until search fee is paid	

PCT REQUEST

X-15172

Original (for **SUBMISSION**) - printed on 14.08.2003 11:17:26 AM**FOR INTERNATIONAL BUREAU USE ONLY**

11-1	Date of receipt of the record copy by the International Bureau	
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PATENT COOPERATION TREATY

PCT

NOTIFICATION CONCERNING
SUBMISSION OR TRANSMITTAL
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

From the INTERNATIONAL BUREAU

To:

OK

WELCH, Lawrence, T
ELI LILLY AND COMPANY
P. O. Box 6288
Indianapolis, IN 46206-6288
United States of America

RECEIVED

FEB 17 2004

ELI LILLY AND COMPANY
Patent Division

Date of mailing (day/month/year) 05 February 2004 (05.02.2004)	
Applicant's or agent's file reference X-15172 ✓	IMPORTANT NOTIFICATION
International application No. PCT/US2003/023269 ✓	International filing date (day/month/year) 18 August 2003 (18.08.2003) ✓
International publication date (day/month/year) Not yet published	Priority date (day/month/year) 23 August 2002 (23.08.2002)
Applicant ELI LILLY AND COMPANY et al	

- By means of this Form, which replaces any previously issued notification concerning submission or transmittal of priority documents, the applicant is hereby notified of the date of receipt by the International Bureau of the priority document(s) relating to all earlier application(s) whose priority is claimed. Unless otherwise indicated by the letters "NR", in the right-hand column or by an asterisk appearing next to a date of receipt, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
- (If applicable) The letters "NR" appearing in the right-hand column denote a priority document which, on the date of mailing of this Form, had not yet been received by the International Bureau under Rule 17.1(a) or (b). Where, under Rule 17.1(a), the priority document must be submitted by the applicant to the receiving Office or the International Bureau, but the applicant fails to submit the priority document within the applicable time limit under that Rule, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
- (If applicable) An asterisk(*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b) (the priority document was received after the time limit prescribed in Rule 17.1(a) or the request to prepare and transmit the priority document was submitted to the receiving Office after the applicable time limit under Rule 17.1(b)). Even though the priority document was not furnished in compliance with Rule 17.1(a) or (b), the International Bureau will nevertheless transmit a copy of the document to the designated Offices, for their consideration. In case such a copy is not accepted by the designated Office as priority document, Rule 17.1(c) provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
23 Augu 2002 (23.08.2002)	0219690.5	✓ GB	23 Dece 2003 (23.12.2003)
01 Octo 2002 (01.10.2002)	60/415,328	✓ US	03 Octo 2003 (03.10.2003)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 338.89.75	Authorized officer Antonia MULLER (Fax : 338 89 75) Telephone No. (41-22) 338 8243
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